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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,403	02/25/2002	Daniel R. Salmonsén	156374-0008 (PA-1253)	6877
51414	7590	07/18/2005		
GOODWIN PROCTER LLP PATENT ADMINISTRATOR EXCHANGE PLACE BOSTON, MA 02109-2881			EXAMINER GUILL, RUSSELL L	
			ART UNIT 2123	PAPER NUMBER

DATE MAILED: 07/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/084,403

Applicant(s)

SALMONSEN ET AL.

Examiner

Russell L. Guill

Art Unit

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/13/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1 - 34 have been examined. Claims 1 - 34 have been rejected.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2.1. Claims 1, 17 and 33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claims recite, "an audio/visual apparatus coupled to the rendering circuit and the emulation circuit." The specification clearly describes an audio/visual device subsystem coupled to a rendering circuit and an emulation circuit (figure 3A, element 200), but not an "audio/visual apparatus coupled to the rendering circuit and the emulation circuit". The claim would be enabled if the audio/visual apparatus were modified to be an audio/visual device subsystem (figure 3A, element 200). For the purpose of claim examination, the phrase, "an audio/visual apparatus coupled to the rendering circuit and the emulation circuit", is interpreted as, "an audio/visual device subsystem coupled to the rendering circuit and the emulation circuit."

2.2. Claims 9 and 25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims describe storing information on the memory of the audio/visual apparatus, which is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3.1. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims recite:

3.1.1. wherein the stored instruction sequences cause the processor to

3.1.1.1. (a) retrieve information stored in one of said memory of said audio/visual apparatus or said memory of said computer;

3.1.1.2. (b) forward said information to said rendering circuit for processing;

3.1.1.3. (c) forward said processed information to said display;

3.1.1.4. (d) display the processed information.

3.1.2. The claims fail to interrelate essential elements of the invention as defined in the specification. In step (c), the rendering circuit forwards the processed information to the display. In step (d), the display device displays the processed information. For the purpose of claim examination, the preceding section of the claim is interpreted as:

3.1.2.1. wherein the stored instruction sequences cause the processor to

3.1.2.1.1. retrieve information stored in one of said memory of said audio/visual apparatus or said memory of said computer;

3.1.2.1.2. forward said information to said rendering circuit for processing, wherein said rendering circuit forwards the processed information to the display, and wherein the display displays the processed information.

3.2. Claim 33 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims recite:

3.2.1. wherein the stored instruction sequences cause the processor to

3.2.1.1. (a) emulate one of said audio/visual apparatus or said computer by retrieving information stored in one of said memory of said audio/visual apparatus or said memory of said computer;

- 3.2.1.2. (b) forward said information to said rendering circuit for processing;
- 3.2.1.3. (c) forward said processed information to said display;
- 3.2.1.4. (d) display the processed information.

3.2.2. The claims fail to interrelate essential elements of the invention as defined in the specification. In step (c), the specifications appear to describe that the rendering circuit forwards the processed information to the display. In step (d), the specifications appear to describe that the display device displays the processed information. For the purpose of claim examination, the preceding section of the claim is interpreted as:

3.2.3. wherein the stored instruction sequences cause the processor to

- 3.2.3.1. emulate one of said audio/visual apparatus or said computer by retrieving information stored in one of said memory of said audio/visual apparatus or said memory of said computer;
- 3.2.3.2. forward said information to said rendering circuit for processing, wherein said rendering circuit forwards the processed information to the display, and wherein the display displays the processed information.

3.3. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim recites, "said memory of said audio/visual apparatus." The phrase "said memory" lacks antecedent basis. For the purpose of claim examination, the phrase "said memory" is interpreted as "a memory."

3.4. Claim 34 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim recites, "the system of claim 34." This is self-referential, rendering it unclear to the Examiner. For the purpose of claim examination, the phrase, "the system of claim 34" is interpreted as "the system of claim 33."

Claim Rejections - 35 USC § 103

- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 17 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Capps (U.S. Patent Application Publication Number US 2002/082730) in view of common knowledge in the art at the time of invention.

5.1. Capps teaches:

5.1.1. Regarding claim 1: An audio/visual system coupled to a computer (figure 1, elements 20 and 65; it would have been obvious that element 20 was an audio/visual system), said computer having at least one memory (figure 1, element 65).

5.1.2. Regarding claim 17: A method for providing network connectivity (figure 1, elements 68, 66, 64, 67, 69; and paragraphs 7 and 33) in an audio/visual system coupled to a computer (figure 1, element 20), said computer having at least one memory (figure 1, element 65).

5.1.3. Regarding claim 33: an audio/visual system for providing network connectivity (figure 1, elements 68, 66, 64, 67, 69; and paragraph 33), said audio/visual system coupled to a computer (figure 1, element 65).

5.1.4. Regarding claims 1, 17 and 33:

5.1.5. An audio/visual system (figure 1, elements 20 and 65; it would have been obvious that element 20 was an audio/visual system) comprising:

5.1.5.1. a rendering circuit, said rendering circuit having a memory (figure 1, elements 22, 30, and 64);

5.1.5.2. an emulation circuit (figure 1, elements 22 and 30; and paragraphs 3 and 6) coupled to the rendering circuit, comprising:

5.1.5.2.1. a memory for storing instruction sequences (figure 1, element 30);

5.1.5.2.2. a processor coupled to said memory, the processor executes the stored instruction sequences (figure 1, elements 22 and 30);

5.1.5.3. an audio/visual apparatus coupled to the rendering circuit and the emulation circuit, said audio/visual apparatus having a memory (figure 1, elements 60, 42 and 44; and paragraph 32) ;

5.1.5.4. wherein the stored instruction sequences cause the processor to (figure 1, elements 68, 66, 65, 67, 69, 60, 42 and 44; and paragraphs 6 and 39 and 50):

5.1.5.4.1. retrieve information stored in one of said memory of said audio/visual apparatus or said memory of said computer;

5.1.5.4.2. forward said information to said rendering circuit for processing;

5.1.5.4.3. forward said processed information to said display;

5.1.5.4.4. display the processed information.

5.2. Capps does not specifically teach:

5.2.1. a display coupled to the rendering circuit;

5.3. Official Notice is taken that it was common knowledge in the art at the time of invention to have a display coupled to a rendering circuit (such as a video monitor coupled to a computer audio/visual system). The motivation would have been to provide a video display for the video output recited in Capps (paragraph 50).

5.4. Regarding claims 2 and 18, Capps teaches: coupling the emulation circuit to a remote computer network (paragraph 33).

5.5. Regarding claims 3 and 19, Capps teaches: the remote computer network is selected from a group consisting of: a global computer network, a local area network, and a wide area network (paragraph 33).

5.6. Regarding claims 4 and 20,

5.6.1. Capps teaches: the audio/visual apparatus is selected from a group consisting of a digital versatile disk system (paragraph 50) and audio display (paragraph 50; and figure 1, elements 70 and 72).

5.6.2. Capps does not specifically teach the audio/visual apparatus is selected from a group consisting of a digital versatile disk system, a digital video cassette recorder, and audio display, and a television.

5.6.3. Official Notice is taken that it was common knowledge in the art at the time of invention that an audio/visual apparatus included a digital video cassette recorder and a television. The motivation would have been the benefit of a larger customer base by providing connectivity with these common home devices.

5.7. Regarding claims 5 and 21, Capps teaches: that the emulation system performs instructions to decompress information (paragraph 3; it would have been obvious that an MP3 file would need to be decompressed).

5.8. Regarding claims 6 and 22, Capps teaches: that the emulation system performs instructions to format the information (paragraphs 3 and 31; it would have been obvious that the emulation system must format the information);

5.9. Regarding claims 8 and 24, Capps teaches: determining if said information is stored in one of said memory of said audio/visual apparatus or said memory of said computer; if so retrieving said information from one of said memory of said audio/visual apparatus or said memory of said computer, otherwise, retrieving said information from remote computer system (paragraphs 43 and 33).

5.10. Regarding claims 9 and 25,

5.10.1. Capps does not specifically teach:

5.10.1.1. storing information retrieved from said remote network on said memory of one of said audio/visual apparatus or said computer.

5.10.2. Official Notice is taken that it was common knowledge to the ordinary artisan at the time of invention to store audio/visual information on a computer. The motivation would have been the benefit of retaining the audio/visual information for future playback from a local, fast access, device.

5.11. Regarding claim 34, Capp teaches that the emulation circuit is connected to a remote computer network, wherein said information may be retrieved by one of said audio/visual apparatus or said computer from said remote computer network (paragraphs 33, 38 and 39; and figure 1);

5.12. Therefore, as discussed above, it would have been obvious to the ordinary artisan at the time of invention to use common knowledge in the art with the art of Capp to produce the claimed inventions.

6. Claims 7, 13, 23 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Capps (U.S. Patent Application Publication Number US 2002/082730) and common knowledge in the art at the time of invention, in view of Putterman (Patent Application Publication US 2003/0135859).

6.1. Regarding claims 7 and 23: Putterman teaches, packetizing said information for distribution to a home network system (paragraphs 41, 2, 3, 4 and 5).

6.2. Regarding claims 13 and 29: Putterman teaches, that the audio/visual apparatus is coupled to a network comprising a plurality of audio/visual apparatus, and said information may be retrieved from one of said plurality of audio/visual apparatus (paragraphs 2, 3, 4, and 5; and figure 2)

6.3. The motivation to use the art of Putterman with the art of Capps would have been the benefit recited in Putterman that the system provides a method to access multiple audio/visual devices located on a home network (paragraphs 2, 3, 4 and 5). Therefore, as discussed above, it would have been obvious to the ordinary artisan at the time of invention to use the art of Putterman with the art of Capp to produce the claimed inventions.

7. Claims 12 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Capps (U.S. Patent Application Publication Number US 2002/082730) and common knowledge in the art at the time of invention, in view of Janik (Patent Application Publication US 2005/0113946).

7.1. Janik teaches:

7.1.1. A remote control, said remote control to issue a control signal that is converted by said audio/visual system to a network command or retrieving said information (figure 1; and Abstract).

7.1.2. The motivation to use the art of Janik with the art of Capps would have been the benefit recited in Janik that the system allows a user to control content that is stored on a computer from the audio/visual system (paragraph 11). Therefore, as discussed above, it would have been obvious to the ordinary artisan at the time of invention to use the art of Janik with the art of Capp to produce the claimed inventions.

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8. Claims 10 -11 and 26 - 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Capps (U.S. Patent Application Publication Number US 2002/082730) and common knowledge in the art at the time of invention, in view of Yang (Patent Application Publication US 2003/0110236).

8.1. Yang teaches:

8.1.1. Transcoding information retrieved from the remote network (figure 5; and paragraphs 43, 93 and 95), and that the transcoding is performed by said computer (figure 5; and paragraphs 43, 93 and 95).

8.2. The motivation to use the art of Yang with the art of Capps would have been the benefit recited in Yang that the system provides generic multi-media content delivery (paragraph 10). Therefore, as discussed above, it would have been obvious to the ordinary artisan at the time of invention to use the art of Yang with the art of Capp to produce the claimed inventions.

9. Claims 14 - 16 and 30 - 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Capps (U.S. Patent Application Publication Number US 2002/082730) and common knowledge in the art at the time of invention, in view of Tanenbaum (Tanenbaum, Andrew; "Computer Networks", 1996, Third Edition, Prentice-Hall).

9.1. Regarding claims 14 and 30: Tanenbaum teaches that stored instruction sequences cause a processor to control data flow based on a parameter of a remote computer network (page 183, section 3.1.4 Flow Control).

9.2. Regarding claims 15 and 31: Tanenbaum teaches that the at least one parameter of a target device is a bandwidth of a target device (page 183, section 3.1.4 Flow Control).

9.3. Regarding claims 16 and 32: Tanenbaum teaches that stored instruction sequences cause a processor to control data flow by providing a handshake protocol based on the bandwidth of the target device (page 183, section 3.1.4 Flow Control).


9.4. The motivation to use the art of Tanenbaum with the art of Capps would have been the benefit recited in Tanenbaum that the flow control provides a solution to the problem of what to do when a sender systematically wants to send frames faster than a receiver could accept them. Therefore, as discussed above, it would have been obvious to the ordinary artisan at the time of invention to use the art of Tanenbaum with the art of Capp to produce the claimed inventions.

Conclusion

10. Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in their entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell L. Guill whose telephone number is 571-272-7955. The examiner can normally be reached on Monday - Friday 9:00 AM - 5:30 PM.
12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571-272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application should be directed to the TC2100 Group Receptionist: 571-272-2100.
13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RG

Russ Guill
Examiner
Art Unit 2123


Paul L. Rodriguez 7/14/05
Primary Examiner
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